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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

TALBOT, MICHAEL

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/760,110

Applicant(s)

MARINI ET AL.

Examiner

Michael W. Talbot

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 15-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>07/06/04, 06/09/05</u>  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "at least one recess" recited in claim 5 and the "two recesses" recited in claim 13 must be shown/indexed or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "56" has been used to designate "diagonal wall", "wall", "groove", "recess" and "slot" shown on page 7, lines 8-31 and reference character "135" has been used to designate both "axial rib" and "aperture" shown on page 10, lines 1-16. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid

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abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "axial rib 216" described on page 12, lines 1-13. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

### ***Specification***

4. The disclosure is objected to because of the following informalities:

Refer to page 7, line 29, the character reference "the slot 56" should be changed so as to read --the slot 48--.

Refer to page 11, line 7, the character reference "the cam surface 126" should be changed so as to read --the cam surface 132--.

Refer to page 11, line 18, the word "and" should be changed to --end-- in the phrase "the front and wall 104" so as to read --the front end wall 104--.

Appropriate correction is required.

### ***Claim Objections***

5. Claims 1,4 and 11 are objected to because of the following informalities:

Claim 1 recites the limitation "the mechanism" in line 19. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the shoulder of the blade " in line 14. There is insufficient antecedent basis for this limitation in the claim. As best understood and for examination purposes, the above limitation has been interpreted as --the at least one shoulder of the blade--.

Claim 11 recites the limitation "the axis" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Marinkovich et al. '208. Marinkovich et al. '208 shows in Figures 2-12 a tool-less blade clamping apparatus (20) for a reciprocating tool having a plunger (22) with at least one radial aperture (54) and a blade receiving slot (52) at its forward end for receiving a blade (24) having a shank portion (28) with a hole (102) and at least one outwardly extending shoulder (100). Marinkovich et al. '208 shows the shank configured to be inserted in the slot, the apparatus configured to be attached to the plunger and having an opening (central aperture of rear cam member 38 and front cam member 40) for receiving the blade shank therein. Marinkovich et al. '208 shows the apparatus having an unclamped position (Figs. 9 and 11) and a clamped position (Figs. 8 and 10) wherein the shank portion of the blade can be inserted into the opening when in the unclamped position and securely retained therein when in the clamped position. Marinkovich et al. '208 shows the apparatus being biased via spring (34) toward the clamped position (col. 4, lines 15-23) and being operable to maintain its unclamped position via a releasable retaining mechanism (38,40) when placed in said unclamped position (Figs. 9 and 11). Marinkovich et al. '208 shows the

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apparatus being released when the at least one shoulder of the blade shank portion engages the apparatus as the shank portion is inserted into the opening and slot a predetermined distance to place the apparatus in the clamped position and the apparatus engaging the at least one shoulder and pushing the blade shank portion outwardly when moved in the unclamped position (col. 4, lines 35-60).

8. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Wright '457. Wright '457 shows in Figures 3-9 a tool-less blade clamping apparatus (10) for a reciprocating tool having a plunger (32) with at least one radial aperture (92) and a blade receiving slot (46) at its forward end for receiving a blade (48) having a shank portion (54) with a hole (60) and at least one outwardly extending shoulder (64). Wright '457 shows the shank configured to be inserted in the slot, the apparatus configured to be attached to the plunger and having an opening (84,86) for receiving the blade shank therein. Wright '457 shows the apparatus having an unclamped position (Fig. 7) and a clamped position (Fig. 8) wherein the shank portion of the blade can be inserted into the opening when in the unclamped position and securely retained therein when in the clamped position. Wright '457 shows the apparatus being biased via spring (94) toward the clamped position (col. 7, line 52 through col. 8, line 29) and being operable to maintain its unclamped position via a releasable retaining mechanism (180A,180B,190) when placed in said unclamped position (Figs. 7 and 9). Wright '457 shows the apparatus being released when the at least one shoulder of the blade shank portion (Fig. 8) engages the apparatus as the shank portion is inserted into the opening and slot a predetermined distance to place the apparatus in the clamped position (col. 8, lines 30-40) and the apparatus engaging the at least one shoulder and pushing the blade shank portion outwardly when moved in the unclamped position.

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9. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Kramer et al. '548 shows in Figures 1-13 a tool-less blade clamping apparatus (41) for a reciprocating tool having a plunger (44) with at least one radial aperture (64) and a blade receiving slot (62) at its forward end for receiving a blade (42) having a shank portion (48) with a hole (82) and at least one outwardly extending shoulder (95). Kramer et al. '548 shows the shank configured to be inserted in the slot, the apparatus configured to be attached to the plunger and having an opening (central apertures of cam collar 56, sleeve 58 and collar housing 59) for receiving the blade shank therein. Kramer et al. '548 shows the apparatus having an unclamped position (Fig. 7) and a clamped position (Fig. 6) wherein the shank portion of the blade can be inserted into the opening when in the unclamped position and securely retained therein when in the clamped position. Kramer et al. '548 shows the apparatus being biased via spring (54) toward the clamped position (col. 5, line 54-56) and being operable to maintain its unclamped position via a releasable retaining mechanism (cam collar 56 and collar housing 59) when placed in said unclamped position (Fig. 7). Kramer et al. '548 shows the apparatus being released when the at least one shoulder of the blade shank portion engages the apparatus as the shank portion is inserted into the opening and slot a predetermined distance (col. 5, line 54 through col. 6, line 8) to place the apparatus in the clamped position and the apparatus engaging the at least one shoulder and pushing the blade shank portion outwardly when moved in the unclamped position (col. 5, line 54 through col. 6, line 8).

10. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. '194. Chen et al. '194 shows in Figures 1-5 a tool-less blade clamping apparatus (10) for a reciprocating tool (10) having a plunger (12) with at least one radial aperture (14) and a blade receiving slot at its forward end for receiving a blade (80) having a shank portion with a hole (82) and at least one outwardly extending shoulder (at bottom of blade as shown in Fig. 1).



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Chen et al. '194 shows the shank configured to be inserted in the slot, the apparatus configured to be attached to the plunger and having an opening (central apertures of bushing 20 and sleeve 40) for receiving the blade shank therein. Chen et al. '194 shows the apparatus having an unclamped position (Fig. 4) and a clamped position (Fig. 3) wherein the shank portion of the blade can be inserted into the opening when in the unclamped position and securely retained therein when in the clamped position. Chen et al. '194 shows the apparatus being biased via spring (60) toward the clamped position (col. 3, line 51-62) and being operable to maintain its unclamped position via a releasable retaining mechanism (43,42,26,70) when placed in said unclamped position (Fig. 4). Chen et al. '194 shows the apparatus being released when the at least one shoulder of the blade shank portion (at bottom of blade as shown in Fig. 1) engages the apparatus as the shank portion is inserted into the opening and slot a predetermined distance to place the apparatus in the clamped position and the apparatus engaging the at least one shoulder and pushing the blade shank portion outwardly when moved in the unclamped position (col. 3, lines 21-62).

#### ***Allowable Subject Matter***

11. Claims 5-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

12. Any inquiry concerning the content of this communication from the examiner should be directed to Michael W. Talbot, whose telephone number is 571-272-4481. The examiner's office hours are typically 8:30am until 5:00pm, Monday through Friday. The examiner's supervisor, Mrs. Monica S. Carter, may be reached at 571-272-4475.

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In order to reduce pendency and avoid potential delays, group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at FAX number 571-273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers, which require a fee, by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Michael W. Talbot of Art Unit 3722 at the top of your cover sheet.



MWT  
Examiner  
8 May 2006

  
**MONICA CARTER**  
**SUPERVISORY PATENT EXAMINER**